

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

AARON QUINCY INGRAM,  
 Plaintiff,  
 v.  
 SCOTT L. BINDRUP,  
 Defendant.

Case No.: 2:21-cv-01911-GMN-NJK

**REPORT AND RECOMMENDATION**

On October 15, 2021, Plaintiff filed documents in an attempt to initiate this case. Docket No. 1. On May 3, 2022, the Court ordered Plaintiff to either file an application for leave to proceed *in forma pauperis* or make arrangements to pay the filing fee no later than May 31, 2022. Docket No. 3. The Court warned that “[f]ailure to comply will result in a recommendation to the District Judge that this case be dismissed.” *Id.* On June 1, 2022, the Court extended the deadline at Plaintiff’s request to July 15, 2022. Docket No. 5. As of this date, Plaintiff has not paid the filing fee or filed an application to proceed *in forma pauperis*. *See* Docket.

This case cannot proceed without Plaintiff either paying the filing fee or filing a motion to proceed *in forma pauperis*. *See* 28 U.S.C. § 1914(a); *see also* 28 U.S.C. § 1915(a). Having refused to do either in this case, Plaintiff’s complaint is subject to dismissal. *E.g., Desai v. Biden*, 2021 WL 38169, at \*1 (E.D. Cal. Jan. 5, 2021), *adopted*, 2021 WL 276236 (E.D. Cal. Jan. 27, 2021).

Moreover, Plaintiff’s refusal to comply with the Court’s order is an abusive litigation practice that has interfered with the Court’s ability to hear this case, delayed litigation, disrupted the Court’s timely management of its docket, wasted judicial resources, and threatened the integrity of the Court’s orders and the orderly administration of justice. Sanctions less drastic than dismissal are unavailable because Plaintiff has refused to comply with the order of this Court notwithstanding the warning that case-dispositive sanctions may be imposed.

1 The undersigned therefore **RECOMMENDS** that this case be **DISMISSED** without  
2 prejudice.

3 IT IS SO ORDERED.

4 Dated: August 1, 2022.

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7 NANCY J. KOPPE  
8 UNITED STATES MAGISTRATE JUDGE

9 **NOTICE**

10 This report and recommendation is submitted to the United States District Judge assigned  
11 to this case pursuant to 28 U.S.C. § 636(b)(1). A party who objects to this report and  
12 recommendation must file a written objection supported by points and authorities within fourteen  
13 days of being served with this report and recommendation. Local Rule IB 3-2(a). Failure to file  
14 a timely objection may waive the right to appeal the district court's order. *Martinez v. Ylst*, 951  
15 F.2d 1153, 1157 (9th Cir. 1991).